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FIFTY-EIGHTH LEGISLATURE

**THIRTY-NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 17, 2005**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Little, absent and formally excused by the Chair; and Senators Cameron, Marley, and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jessica Pfeiffer, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 16, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Stennett was recorded present at this order of business.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 16, 2005

The JUDICIARY AND RULES Committee reports that **S 1003** and **SCR 105** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1003** and **SCR 105** and ordered them transmitted to the House for the signature of the Speaker.

February 16, 2005

The JUDICIARY AND RULES Committee reports that **S 1039**, as amended, **S 1074**, as amended, **S 1076**, as amended, **S 1063**, as amended, **S 1062**, as amended, **S 1071**, as amended, and **S 1057**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1039, as amended, **S 1074**, as amended, **S 1076**, as amended, **S 1063**, as amended, **S 1062**, as amended, **S 1071**, as amended, and **S 1057**, as amended, were filed for first reading.

February 16, 2005

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1039**, **S 1074**, **S 1076**, **S 1063**, **S 1062**, **S 1071**, **H 11**, and **S 1057** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 16, 2005

The JUDICIARY AND RULES Committee reports out **S 1065** with the recommendation that it do pass.

DARRINGTON, Chairman

S 1065 was filed for second reading.

February 16, 2005

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Jim Tibbs to the State Board of Correction, term to expire January 1, 2011.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 16, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **H 66** with the recommendation that it do pass.

SCHROEDER, Chairman

H 66 was filed for second reading.

February 16, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1104** with the recommendation that it do pass.

BUNDERSON, Chairman

S 1104 was filed for second reading.

February 16, 2005

February 17, 2005

The EDUCATION Committee reports out **S 1066** with the recommendation that it do pass.

GOEDDE, Chairman

S 1066 was filed for second reading.

Senator Marley was recorded present at this order of business.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 16, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Clarisse Maxwell of Boise, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2004, and expiring July 1, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 16, 2005

Mr. President:

I transmit herewith **HJM 2**, **H 62**, and **H 64** which have passed the House.

JUKER, Chief Clerk

HJM 2, **H 62**, and **H 64** were filed for first reading.

Mr. President:

I transmit herewith Enrolled **H 25**, **H 21**, **H 27**, and **H 28** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 25**, **H 21**, **H 27**, and **H 28** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Cameron was recorded present at this order of business.

The President announced the Education Committee report relative to the Gubernatorial appointments of Ann Souza, Esther Van Wart, and Kirk Miller was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Keough, seconded by Senator Marley, the Gubernatorial appointment of Ann Souza as a member of the Public Charter School Commission was confirmed by voice vote.

On motion by Senator Marley, seconded by Senator Pearce, the Gubernatorial appointment of Esther Van Wart as a member of the Public Charter School Commission was confirmed by voice vote.

On motion by Senator Andreason, seconded by Senator Burkett, the Gubernatorial appointment of Kirk Miller as a member of the Public Charter School Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Lee Periman was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Kelly, the Gubernatorial appointment of Lee Periman as a member of the Idaho Bingo-Raffle Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SCR 109** was before the Senate for final consideration.

Moved by Senator Brandt, seconded by Senator Kelly, that **SCR 109** be adopted. The question being, "Shall the resolution be adopted?"

Roll call vote was requested by Senators Hill, Burkett, and Stennett.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Goedde, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKenzie, Pearce, Schroeder, Stegner, Sweet, Werk. Total - 23.

NAYS--Bunderson, Burkett, Burtenshaw, Davis, Geddes, Hill, Marley, Noble, Richardson, Stennett, Williams. Total - 11.

Absent and excused--Little. Total - 1.

Total - 35.

Whereupon the President declared **SCR 109** adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1150

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CONTRACTS BY GOVERNMENTAL ENTITIES; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2303, IDAHO CODE, TO PROVIDE ADDITIONAL REQUIREMENTS FOR PERSONS OR ENTITIES ENTERING INTO CONTRACTS WITH THE STATE, TO PROHIBIT THE STATE FROM AWARDING A CONTRACT TO A CONTRACTOR OR SUBCONTRACTOR WHO PERFORMS THE WORK AT A SITE OUTSIDE OF THE UNITED STATES, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR DAMAGES AND TO PROVIDE FOR CIVIL PENALTIES.

S 1151

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-721, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, TO REMOVE LANGUAGE REFERENCING THE PURPOSES OF ACQUISITION OF REAL PROPERTY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

S 1152

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO CONDEMNATION; AMENDING SECTION 40-102, IDAHO CODE, TO REMOVE DEFINITIONS FOR "AGENCY" AND "AVERAGE ANNUAL NET EARNINGS"; AMENDING SECTION 40-103, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 40-105, IDAHO CODE, TO REMOVE A DEFINITION FOR "DISPLACED PERSON"; AMENDING SECTION 40-312, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE IDAHO TRANSPORTATION BOARD RELATING TO RULE

PROMULGATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-2001, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE LEGISLATIVE FINDINGS AND TO DEFINE "DISPLACED PERSON"; AMENDING SECTION 40-2002, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY AND TO PROVIDE A REFERENCE TO PUBLIC PROJECTS; AMENDING SECTION 40-2003, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 40-2004, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY, TO DEFINE A TERM AND TO REVISE CODE REFERENCES; AMENDING SECTION 40-2005, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY AND TO REVISE CODE REFERENCES; AMENDING SECTION 40-2006, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 40-2007, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 40-2008, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY AND TO REVISE A CODE REFERENCE; AMENDING SECTION 40-2009, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 40-2010, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 40-2011, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 40-2012, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS APPLICABLE TO THE FEDERAL UNIFORM RELOCATION ASSISTANCE ACT; AMENDING SECTION 40-2013, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; REPEALING CHAPTER 20, TITLE 40, IDAHO CODE, RELATING TO HIGHWAY RELOCATION ASSISTANCE; AND DECLARING AN EMERGENCY.

S 1153

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO VULNERABLE ADULTS; AMENDING SECTION 18-1505, IDAHO CODE, TO REVISE PUNISHMENT PROVISIONS APPLICABLE TO THE ABUSE, EXPLOITATION OR NEGLECT OF A VULNERABLE ADULT, TO REVISE DEFINITIONS AND TO CLARIFY APPLICABILITY; AMENDING SECTION 18-1505A, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 39-5310, IDAHO CODE, TO REVISE LANGUAGE REFERENCING PUNISHMENT PROVISIONS APPLICABLE TO THE ABUSE, EXPLOITATION OR NEGLECT OF A VULNERABLE ADULT AND TO MAKE A TECHNICAL CORRECTION.

S 1154

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO LICENSURE TO PRACTICE PHARMACY; AMENDING SECTION 54-1723, IDAHO CODE, TO AUTHORIZE THE BOARD OF PHARMACY TO GRANT TEMPORARY RECIPROCAL LICENSURE TO PRACTICE PHARMACY UPON COMPLIANCE WITH CERTAIN CONDITIONS SPECIFIED AND TO MAKE A TECHNICAL CORRECTION.

S 1155
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO BAIL; AMENDING SECTION 19-2902, IDAHO CODE, TO SET FORTH THE PURPOSE OF BAIL AND TO PROVIDE DESCRIPTIVE LANGUAGE; AMENDING SECTION 19-2927, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE FORFEITURE OF BAIL; AND AMENDING SECTION 41-1042, IDAHO CODE, TO CLARIFY THAT CERTAIN CONTRACTUAL REMEDIES OF A BAIL SURETY OR BAIL AGENT ARE NOT LIMITED.

S 1150, S 1151, S 1152, S 1153, S 1154, and S 1155 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 11, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

S 1039, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

S 1074, as amended, and **S 1076**, as amended, by State Affairs Committee, were read the first time at length and filed for second reading.

S 1063, as amended, **S 1062**, as amended, and **S 1071**, as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

S 1057, as amended, by Transportation Committee, was read the first time at length and filed for second reading.

HJM 2, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 62, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 64, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1091, by Transportation Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Friday, February 18, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary